

**REMARKS**

This Amendment responds to the Office Action mailed on April 25, 2003 (Paper No. 10). Claims 1-85 are pending in this application, with claims 1, 16, 31, 48, 67, 71, and 79 being the independent claims. In the April 25, 2003 Office Action, the Examiner rejected claims 1-85 and objected to claims 42 and 43. In this Amendment, claims 8, 15, 23, 30, 42, 43, 47, 48, 54, and 62 have been amended. Claims 42 and 43 have been amended to overcome objections made by the Examiner, while claims 8, 15, 23, 30, 47, 48, 54, and 62 have been amended to correct grammatical and other minor errors. These amendments introduce no new matter, and their entry is respectfully requested.

Based on the foregoing amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Obviousness-Type Double Patenting Rejections***

The Examiner has rejected claims 1, 16, 31, 48, 67, 71, and 79 under the judicially created doctrine of obviousness-type double patenting as obvious over claims 1, 2, 3, 4, 5, 11, and 12 of U.S. Patent No. 6,317,884 ("the '884 patent"). The Examiner has also rejected claims 1, 16, 31, 48, 67, 71, and 79 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 4, 7, 14, 16, and 20 of U.S. Patent No. 6,493,875 ("the '875 patent"). Filed herewith is a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent executed by the assignee of the above-captioned application for each of the '884 and '875 patents ("Disclaimers"). A Statement Under 37 C.F.R. § 3.73(b) establishing the right to act on behalf of the assignee with regard to the above-captioned application is also being filed with the Disclaimers. The filing of a terminal

disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870 (Fed. Cir. 1991). The filing of a terminal disclaimer serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection. *Id.*; M.P.E.P. § 804.02. Based upon filing of the Disclaimers and accompanying fee, Applicants respectfully submit that the obviousness-type double patenting rejections should be withdrawn.

### ***Rejections Under 35 U.S.C. § 102***

The Examiner has rejected claims 1-4, 10, 13, 15, 31, 35-39, 42, 45, and 47 as being anticipated by U.S. Patent No. 6,286,142 to Ehreth ("Ehreth"). The Applicants respectfully disagree with these rejections and request the Examiner to reconsider them.

Specifically, with respect to claim 1, Ehreth does not disclose, for example, "receiving a video signal from a telecommunications network in response to [a] received at least one channel select command" as recited in claim 1 of the present application. Ehreth notes (col. 3, lines 15-18) that the "[b]roadband/narrowband network may provide . . . only those signals requested by communication controller 30," which, according to the Examiner, corresponds to the residential gateway as recited in claim 1 of the present application. However, Ehreth does not teach or suggest that video signals are received by a residential gateway in response to a channel select command, as claimed. In addition, in Ehreth, there is no disclosure or suggestion of the steps of "constructing from [a] video signal at least one series of video packets corresponding to [a] channel select command" or "transporting [a] series of video packets over a video packet bus to at least one video decoder," as recited in claim 1 of the present application.

Claims 2-4, 10, 13, and 15 depend upon claim 1, and are therefore not anticipated by Ehreth for at least the reasons discussed above with respect to claim 1.

With respect to independent claim 31, as discussed above with respect to claim 1, Ehreth does not anticipate claim 31 because Ehreth does not disclose or suggest, for example, “receiving a video signal from [a] telecommunications network corresponding to [a] channel select command,” as recited in claim 31 of the present application. Claims 35-39, 42, 45, and 47 depend upon claim 31, and are therefore not anticipated by Ehreth for at least the reasons discussed above with respect to claim 31.

Accordingly, it is respectfully submitted that claims 1-4, 10, 13, 15, 31, 35-39, 42, 45, and 47 are allowable.

### *Rejections Under 35 U.S.C. § 103*

#### Claims 5, 7, 8, 33, 40, and 41

The Examiner rejected claims 5, 7, 8, 40, and 41 under 35 U.S.C. § 103 as being obvious over Ehreth in view of U.S. Patent No. 5,574,964 to Hamlin (“Hamlin”). The Examiner also appears to reject claim 33 over Ehreth in view of Hamlin, although this was not stated in the introductory sentence on Page 19 of the April 25, 2003 Office Action. Claims 5, 7, and 8 depend upon claim 1, and claims 33, 40, and 41 depend upon claim 31. As discussed above, Ehreth fails to teach or suggest all of the features of claims 1 and 31. Hamlin fails to teach or suggest several aspects of claims 1 and 31, including but not limited to receiving a video signal from a telecommunications network in response to a received channel select command, which is also not disclosed or suggested by Ehreth. Accordingly, as neither Ehreth nor Hamlin teach or suggest the features of independent claims 1 and 31, the combination of Ehreth and Hamlin also does not teach or suggest the limitations of these claims.

Moreover, there is no motivation or suggestion to combine Ehreth and Hamlin. For example, while Ehreth discloses a remote controller associated with each one or group of television receivers in a system, Hamlin discloses and suggests a single remote controller for all of the receiving units in the system.

Accordingly, it is respectfully submitted that claims 5, 7, 8, 33, 40, and 41 are allowable.

#### Claims 6 and 34

The Examiner rejected claims 6 and 34 under 35 U.S.C. § 103 as being obvious over Ehreth in view of Hamlin and further in view of U.S. Patent No. 5,379,453 to Tigwell ("Tigwell"). Claim 6 depends upon claim 5, which depends upon independent claim 1, while claim 34 depends upon claim 33, which depends upon independent claim 31. As discussed above, the combination of Ehreth and Hamlin fails to teach or suggest all of the features of claims 1 and 31, and there is no motivation to combine these references. Furthermore, Tigwell does not disclose or suggest the features of independent claims 1 and 31 that are not taught by Ehreth in view of Hamlin, including for example receiving a video signal from a telecommunications network in response to a received channel select command. Thus, the reference to Ehreth in view of Hamlin and further in view of Tigwell fails to teach or suggest the limitations of these claims. In any event, as discussed above, there is no motivation or suggestion to combine Ehreth and Hamlin; there is also no motivation or suggestion to combine either of these references with Tigwell. Accordingly, it is respectfully submitted that claims 6 and 34 are allowable.

#### Claim 9

The Examiner rejected claim 9 under 35 U.S.C. § 103 as being obvious over Ehreth in view of Hamlin and further in view of U.S. Patent No. 5,500,691 to Martin et al.

("Martin"). Claim 9 depends upon claim 1. As discussed above, the combination of Ehreth and Hamlin fails to teach or suggest all the features of independent claim 1 and there is no motivation to combine these references. Furthermore, Martin discloses a system for setting up a remote control system that uses both RF and infrared signals, but fails to disclose or suggest the features of claim 1 that are not taught by Ehreth in view of Hamlin, including for example receiving a video signal from a telecommunications network in response to a received channel select command. Thus, the reference to Ehreth in view of Hamlin and further in view of Martin also fails to teach or suggest the limitations of independent claim 1. In addition, there is no motivation or suggestion to combine Ehreth and Hamlin, or to combine either of these references with Martin.

Accordingly, it is respectfully submitted that claim 9 is allowable.

Claims 11 and 43

The Examiner rejected claims 11 and 43 under 35 U.S.C. § 103 as being obvious over Ehreth. Claim 11 depends upon claim 10 (which depends upon independent claim 1), and claim 43 depends upon claim 42 (which depends upon independent claim 31). As discussed above, Ehreth fails to teach or suggest all the features of independent claims 1 and 31.

Accordingly, it is respectfully submitted that claims 11 and 43 are allowable.

Claims 12, 32, and 44

The Examiner rejected claims 12, 32, and 44 under 35 U.S.C. § 103 as being obvious over Ehreth in view of U.S. Patent No. 5,596,373 to White et al. ("White"). Claim 12 depends upon claim 10 (which depends upon claim 1); claim 32 depends upon claim 31; and claim 44 depends upon claim 42 (which depends upon claim 31). As discussed above, Ehreth fails to teach or suggest all the features of claim 1 or 31. White discloses a program guide for a television broadcast system, but fails to disclose or teach the features of independent claims 1

and 31 that are not anticipated by Ehreth, including for example receiving a video signal from a telecommunications network in response to a received channel select command. Also in White, the data stream received by integrated receiver/decoder 3 receives data already in the format specified by the Motion Picture Experts Group (White, col. 3, lines 46-48; FIG. 3), thereby obviating the need for the step, in claims 1 and 31 of the present application, of constructing a series of video packets corresponding to at least one channel select command or converting a video signal corresponding to the channel select command into a series of video packets. Thus, the combination of Ehreth and White also fails to teach or suggest the limitations of these claims. There is, moreover, no motivation or suggestion to combine these references.

Accordingly, it is respectfully submitted that claims 12, 32, and 44 are allowable.

Claims 14 and 46

The Examiner rejected claims 14 and 46 under 35 U.S.C. § 103 as being obvious over Ehreth in view of U.S. Patent No. 5,608,864 to Bindlish et al. ("Bindlish"). Claim 14 depends upon claim 10 (which depends upon independent claim 1), and claim 46 depends upon claim 42 (which depends upon independent claim 31). As discussed above, Ehreth fails to teach or suggest all the features of claims 1 or 31. Furthermore, Bindlish discloses a video card for use with GUI software, but does not teach or suggest the features of independent claims 1 and 31 that are not disclosed or suggested by Ehreth, including but not limited to receiving a video signal from a telecommunications network in response to a received channel select command or the step of constructing, from a video signal received from a telecommunications network in response to a channel select command, a series of video packets corresponding to the channel select command. Thus, the combination of Ehreth and Bindlish also fails to teach the limitations of these claims, and there is no motivation or suggestion to combine these references in any event.

Accordingly, it is respectfully submitted that claims 14 and 46 are allowable.

Claims 16-20, 22, 23, 25, 28, 48-50, 52-55, 57, 60, 63, and 66

The Examiner rejected claims 16-20, 22, 23, 25, 28, 48-50, 52-55, 57, 60, 63, and 66 under 35 U.S.C. § 103 as being obvious over Ehreth in view of Hamlin and further in view of U.S. Patent No. 5,515,511 to Nguyen et al. ("Nguyen"). The Applicants respectfully disagree with these rejections and request the Examiner to reconsider them in light of the discussion in this Amendment and Response. Specifically, with respect to independent claim 16, as discussed above with respect to claim 1, none of the cited references, including Nguyen, teaches or suggests "a network interface module for receiving signals, including video signals, from a telecommunications network, wherein the received video signals correspond to . . . channel select commands," or a receiver, in a residential gateway, "for directly receiving channel select commands from remote control devices associated with the televisions," as claimed. Thus, the combination of Ehreth, Hamlin, and Nguyen does not teach or suggest the limitations of claim 16.

Claims 17-20, 22, 23, 25, and 28 depend upon independent claim 16, which is allowable, and these dependent claims are therefore also allowable for at least those reasons.

Independent claim 48 is allowable for at least similar reasons as those discussed above with respect to independent claims 1, 16, and 31. Specifically, for example, none of Ehreth, Hamlin or Nguyen teach or suggest "a network interface module for transmitting signals, including channel select commands, to the telecommunications network" or a receiver, in a residential gateway, "for directly receiving channel select commands from remote control devices associated with multiple televisions," as recited in claim 48.

Moreover, as discussed above, there is no motivation or suggestion to combine Ehreth and Hamlin; and there is no motivation or suggestion to combine either of these

references with Nguyen. Claims 49-50, 52-55, 57, 60, 63, and 66 depend upon independent claim 48, which is allowable over the prior art of record as discussed above; these independent claims are therefore allowable for at least those reasons.

Accordingly, it is respectfully submitted that claims 16-20, 22, 23, 25, 28, 48-50, 52-55, 57, 60, 63, and 66 are allowable.

Claims 21 and 51

The Examiner rejected claims 21 and 51 under 35 U.S.C. § 103 as being obvious over Ehreth in view of Hamlin, further in view of Nguyen and Tigwell. Claims 21 and 51 depend upon base claims 20 and 50 respectively, which in turn are dependent upon independent claims 16 and 48, respectively. As discussed above, none of Ehreth, Hamlin, Nguyen or Tigwell, alone or in combination, teaches or suggests all features of independent claims 16 and 48. In addition, there is no motivation or suggestion to combine any of Ehreth, Hamlin, Nguyen or Tigwell.

Accordingly, it is respectfully submitted that claims 21 and 51 are allowable.

Claims 24 and 56

The Examiner rejected claims 24 and 56 under 35 U.S.C. § 103 as being obvious over Ehreth in view of Hamlin, further in view of U.S. Patent No. 5,321,846 to Yokota et al. ("Yokota") and Martin. Claims 24 and 56 depend upon independent base claims 16 and 48 respectively. As discussed above, the combination of Ehreth, Hamlin, and Martin fails to teach or suggest all the features of independent claims 16 and 48. The Examiner has not addressed what aspects of the claimed invention are disclosed or taught by Yokota. Nor is there any motivation or suggestion to combine any of Ehreth, Hamlin, Martin or Yokota. Moreover, Yokota fails to teach or suggest the features of independent claims 16 and 48 that are not taught or suggested by a combination of Ehreth, Hamlin, and Martin, including but not limited to (1) a



network interface module that receives video signals corresponding to channel select commands (as recited in claim 16) or that transmits channel select commands to a telecommunications network (as recited in claim 48) or (2) a receiver, in a residential gateway, for directly receiving channel select commands from remote control devices associated with multiple televisions, as recited in independent claims 16 and 48 of the present application. Thus, the combination of Ehreth, Hamlin, Martin, and Yokota fails to teach or suggest the limitations of these claims and claims that depend from them.

Accordingly, it is respectfully submitted that claims 24 and 56 are allowable.

Claims 26 and 58

The Examiner rejected claims 26 and 58 under 35 U.S.C. § 103 as being obvious over Ehreth in view of Hamlin, further in view of Nguyen. Claims 26 and 58 depend from claims 25 and 57 respectively, which in turn are dependent upon independent claims 16 and 48, respectively. As discussed above, claims 16 and 48 are allowable over these references.

Accordingly, it is respectfully submitted that claims 26 and 58 are allowable.

Claims 27 and 59

The Examiner rejected claims 27 and 59 under 35 U.S.C. § 103 as being obvious over Ehreth in view of Hamlin, further in view of Nguyen and White. Claim 27 depends upon base claim 25, which in turn depends upon independent base claim 16; claim 59 depends upon base claim 57, which in turn depends upon independent base claim 48. There is no motivation or suggestion to combine any of Ehreth, Hamlin, Nguyen or White. Moreover, none of these references, alone or in combination, discloses or suggests all of the elements of claims 16 or 48. For example, these references, alone or in combination, do not disclose or suggest (1) a network interface module that receives video signals corresponding to channel select commands (as recited in claim 16) or that transmits channel select commands to a telecommunications network

(as recited in claim 48) or (2) a receiver, in a residential gateway, for directly receiving channel select commands from remote control devices associated with multiple televisions, as recited in independent claims 16 and 48 of the present application.

Accordingly, it is respectfully submitted that claims 27 and 59 are allowable.

Claims 29 and 61

The Examiner rejected claims 29 and 61 under 35 U.S.C. § 103 as being obvious over Ehreth in view of Hamlin, further in view of Nguyen and Bindlish. Claims 29 and 61 depend upon base claims 25 and 57 respectively, which in turn are dependent upon independent base claims 16 and 48 respectively. There is no motivation or suggestion to combine any of Ehreth, Hamlin, Nguyen or Bindlish. Moreover, none of these references, alone or in combination, discloses or suggests all of the elements of claims 16 or 48. For example, these references, alone or in combination, do not disclose or suggest (1) a network interface module that receives video signals corresponding to channel select commands (as recited in claim 16) or that transmits channel select commands to a telecommunications network (as recited in claim 48) or (2) a receiver, in a residential gateway, for directly receiving channel select commands from remote control devices associated with multiple televisions, as recited in independent claims 16 and 48 of the present application.

Accordingly, it is respectfully submitted that claims 29 and 61 are allowable.

Claims 30, 62, 64, and 65

The Examiner rejected claims 30, 62, 64, and 65 under 35 U.S.C. § 103 as being obvious over Ehreth in view of Hamlin, further in view of Nguyen. Claim 30 depends upon independent claim 16, while claims 62, 64, and 65 depend upon independent claim 48. As discussed above, claims 16 and 48 are allowable over Ehreth in view of Hamlin and further in view of Nguyen.

Accordingly, it is respectfully submitted that claims 30, 62, 64, and 65 are allowable.

Claim 49

The Examiner rejected claim 49 under 35 U.S.C. § 103 as being obvious over Ehreth in view of White. Claim 49 depends upon independent claim 48. There is no motivation to combine Ehreth and White. Moreover, neither reference, alone or in combination, teaches or suggests, for example, a network interface module that transmits channel select commands to a telecommunications network, or a receiver, in a residential gateway, for directly receiving channel select commands from remote control devices associated with multiple televisions, as recited in independent claim 48 of the present application. Accordingly, it is respectfully submitted that claim 49 is allowable.

Claims 67, 69, 71-75, and 77

The Examiner rejected claims 67, 69, 71-75, and 77 under 35 U.S.C. § 103 as being obvious over Ehreth in view of Hamlin. Ehreth and Hamlin, alone or in combination, do not disclose or suggest all of the features of independent claim 67. Specifically, for example, Ehreth fails to disclose or suggest "receiving channel select commands including a first channel select command directly from an optical remote control device associated with [a] first television at an optical receiver within [a] residential gateway," as recited in claim 67. Ehreth discloses a channel selector and signaling unit 50, which could correspond to the claimed receiver that receives a channel select command (from remote control 70 in Ehreth). However, the receiver 50 in Ehreth is not within the communications controller 30 of Ehreth, which according to the Examiner (p. 16) corresponds to the residential gateway of claim 67 of the present application. Thus, as the Examiner acknowledges (p. 19) Ehreth does not disclose "a receiver within the residential gateway" as required by claim 67. Nothing in the disclosure of Ehreth suggests that it

would be beneficial to have a “receiver” 50 in the “residential gateway” 30, or that it would be possible to do so. Moreover, because each television 100 of Ehreth has a receiver 50 associated with it, there would be no need in Ehreth to provide a receiver 50 within the residential gateway 30.

Likewise, Hamlin, for example, does not teach or suggest “receiving channel select commands including a first channel select command directly from an optical remote control device associated with [a] first television at an optical receiver within [a] residential gateway,” as recited in claim 67. Accordingly, as neither Ehreth nor Hamlin teaches or suggests these features of independent claim 67, the combination of Ehreth and Hamlin also fails to teach or suggest the limitations of that claim. Moreover, there is no motivation or suggestion to combine Ehreth and Hamlin. For example, while Ehreth discloses a remote controller associated with each one or group of television receivers in a system, Hamlin discloses and suggests a single remote controller for all of the receiving units in the system.

Claim 69 depends from claim 67, and therefore is allowable for at least the reasons discussed above.

With respect to independent claim 71, neither Ehreth nor Hamlin, alone or in combination, discloses or suggests, in a residential gateway, a receiver for directly receiving channel select commands, and a remote control module for processing remote control commands from a first television and a second television, wherein the video signals received by the network interface module of the gateway correspond to the channel select commands processed by the remote control module, all as recited in claim 71. Claims 72-75 and 77 depend from claim 71, and therefore are allowable for at least the reasons discussed above.

Accordingly, it is respectfully submitted that claims 67, 69, 71-75, and 77 are allowable.

Claim 68, 78, and 79

The Examiner rejected claims 68, 78, and 79 under 35 U.S.C. § 103 as being obvious over Ehreth in view of Hamlin, and further in view of White. Claim 68 depends upon independent claim 67, while claim 78 depends upon claim 77, which in turn depends upon independent base claim 71.

As discussed above, there is no motivation or suggestion to combine any of Ehreth, Hamlin or White. Moreover, these references, alone or in combination, do not disclose or suggest, for example, the step, in a residential gateway, of receiving a first channel select command directly from an optical remote control device and a second channel select command from a second control device, as recited in claim 67. Furthermore, none of these references, alone or in combination, discloses or suggests, all in a residential gateway, a receiver for directly receiving channel select commands, and a remote control module for processing remote control commands from a first television and second television, wherein the video signals received by the network interface module of the gateway correspond to the channel select commands processed by the remote control module, as recited in claim 71.

Accordingly, because claims 68, 78, and 79 are dependent on allowable base claims, it is respectfully submitted that these claims are allowable for at least the reasons discussed above with respect to those base claims.

Claim 70

The Examiner rejected claim 70 under 35 U.S.C. § 103 as being obvious over Ehreth in view of Hamlin, and further in view of Nguyen and White. Claim 70 depends upon independent claim 67. As discussed above, there is no motivation or suggestion to combine any of these references. Moreover, they do not disclose or suggest, alone or in combination, all of the features of claim 67. Specifically, for example, these references do not disclose or suggest

the steps, in a residential gateway, of receiving a first channel select command directly from an optical remote control device and a second channel select command from a second control device. Accordingly, it is respectfully submitted that claim 70 is allowable.

Claim 76

The Examiner rejected claim 76 under 35 U.S.C. § 103 as being obvious over Ehreth in view of Hamlin, and further in view of U.S. Patent No. 6,167,443 to Decker et al. ("Decker"). Claim 76 depends upon independent claim 71. As discussed above, there is no motivation or suggestion to combine Ehreth and Hamlin; there is also no motivation or suggestion to combine either of them with Decker. In addition, as discussed above, the combination of Ehreth and Hamlin fails to teach or suggest all the features of independent claim 71. Decker fails to teach or suggest the features of independent claim 71 that are not taught or suggested by the combination of Ehreth and Hamlin, including but not limited to a residential gateway comprising a receiver for directly receiving channel select commands, and a remote control module for processing remote control commands from a first television and a second television, wherein the video signals received by the network interface module of the gateway correspond to the channel select commands processed by the remote control module, as recited in claim 71. Thus, the combination of Ehreth, Hamlin, and Decker fails to teach or suggest the limitations of independent claim 71. Accordingly, it is respectfully submitted that claim 76 is allowable.

Claims 80-82

The Examiner has rejected claims 80-82, but has not identified the references relied upon in making that rejection. With reference to claim 80, the Examiner refers to claim 5; and with reference to claims 81-82, the Examiner refers to claims 74-75. As shown above, claims 5 and 74-75 are allowable. Accordingly, claims 80-82 are also allowable.

Claim 83

The Examiner rejected claim 83 under 35 U.S.C. § 103 as being obvious over Ehreth in view of Hamlin, and further in view of White and Decker. Claim 83 depends upon claim 82, which in turn depends upon independent claim 79. There is no motivation or suggestion to combine Ehreth, Hamlin, White or Decker. In any event, none of these references, alone or in combination, discloses or suggests all of the features of the residential gateway of claim 79, including a network interface module for communicating with a telecommunications network, wherein the network interface module receives signals from the telecommunications network and transmits signals, including channel select commands, to the telecommunications network, as recited in claim 79. Accordingly, it is respectfully submitted that claim 83 is allowable.

Claims 84 and 85

The Examiner rejected claims 84 and 85 as obvious under 35 U.S.C. § 103 in view of over Ehreth in view of Hamlin, and further in view of White and Nguyen. Claims 84 and 85 depend upon independent base claim 79. There is no motivation or suggestion to combine Ehreth, Hamlin, White or Nguyen. In any event, none of these references, alone or in combination, discloses or suggests all of the features of the residential gateway of claim 79, including a network interface module for communicating with a telecommunications network, wherein the network interface module receives signals from the telecommunications network

and transmits signals, including channel select commands, to the telecommunications network, as recited in claim 79. Accordingly, it is respectfully submitted that claims 84 and 85 are allowable.

\* \* \*

Accordingly, by this Amendment and as explained in this response, all outstanding rejections have been overcome, and each of the presently pending claims in this application is believed to be in immediate condition for allowance. Applicants respectfully request that the Examiner withdraw all objections and rejections, and allow claims 1-85, passing this application to issue.

If the undersigned attorney can be of any assistance in advancing prosecution, please call him at (202) 662-5468.

Dated: August 25, 2003

Respectfully submitted,

By 

Paul J. Berman

Registration No.: 36,744

COVINGTON & BURLING

1201 Pennsylvania Avenue, N.W.

Washington, DC 20004-2401

(202) 662-6000

Attorney for Applicant